

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

In re: ) Chapter 11  
 )  
VIJAY K. TANEJA, *et al.*, ) Case No. 08-13293-SSM  
 )  
Debtors. ) Jointly Administered

**ORDER DENYING EQUITABLE LIEN CLAIMS OF SUMMIT DRIVE OBJECTORS**

THIS MATTER having come before this Court upon the Chapter 11 Trustee, H. Jason Gold's ("Trustee") Motion to Establish Procedures for the Auction of 5335 Summit Drive, Fairfax, Virginia ("Property") and to Authorize Sale of Such Property Free and Clear of Liens and Other Interests ("Motion"), and separate orders having been entered after notice and hearing establishing auction procedures for (docket no. 318) and approving the sale of (docket no. 403) 5335 Summit Drive, Fairfax, Virginia (the "Property")<sup>1</sup>, with an evidentiary hearing held on January 30, 2009 to determine the extent, validity, and priority of the claimed equitable liens asserted by Chevy Chase Bank, FSB ("Chevy Chase"), Midland Mortgage Co., as servicer for HSBC Bank USA, National Association, as Trustee for Deutsche ALT-A Securities Mortgage Loan Trust, Series 2007-1, and Midfirst Bank (collectively, "Midland"), GMAC Mortgage LLC and Residential Capital, LLC and Residential Funding Company, LLC (collectively, "GMAC"), Wells Fargo Funding, Inc. and Wells Fargo Bank, N.A. (collectively, "Wells Fargo"), and EMC Mortgage Corporation ("EMC") (collectively the "Summit Drive Objectors") and for the reasons stated on the record at the Court's oral ruling on May 15, 2009;

**IT IS HEREBY ORDERED THAT:**

<sup>1</sup> Having the following legal description: Lot 27 of the Subdivision known as Crystal Springs, as the same appears duly dedicated, platted and recorded in Liber 462 at Page 103, of the Fairfax County, Virginia Land Records.

1. The objections of the Summit Drive Objectors are denied.
2. The Trustee shall hold the net proceeds of the sale of the Property free and clear of all liens, claims, and interests, including but not limited to the equitable lien claims asserted by the Summit Drive Objectors.

Dated: \_\_\_\_\_, 2009

\_\_\_\_\_  
Stephen S. Mitchell  
United States Bankruptcy Judge

PREPARED BY:

WILEY REIN LLP  
7925 Jones Branch Drive, Suite 6200  
McLean, Virginia 22102  
(703) 905-2800

By: /s/ Rebecca L. Saitta  
H. Jason Gold, Va. Bar No. 19117  
Alexander M. Laughlin, Va. Bar No. 25237  
Rebecca L. Saitta, Va. Bar No. 65408

Counsel to the Chapter 11 Trustee

**CERTIFICATE PURSUANT TO LOCAL BANKRUPTCY RULE 9022-1(C)**

I hereby certify that on this 20<sup>th</sup> day of May, 2009, a copy of the foregoing Order was served on:

Derek Y. Sugimura, Esquire  
GILBERT OSHINSKY LLP  
1100 New York Avenue, NW, Suite 700  
Washington, D.C. 20005

Paul Sweeney, Esquire  
Logan, Yumkas, Vidmar & Sweeney LLC

2530 Riva Road, Suite 400  
Annapolis, MD 21401

Roy M. Terry, Jr., Esquire  
John C. Smith, Esquire  
Elizabeth L. Gunn, Esquire  
DurretteBradshaw PLC  
600 E. Main Street, 20<sup>th</sup> Floor  
Richmond, Virginia 23219

C. Erik Gustafson, Esquire  
Martha E. Hulley, Esquire  
LeClair Ryan, A Professional Corporation  
225 Reinekers Lane, Suite 700  
Alexandria, Virginia 22314

Melvin R. Zimm, Esquire  
Patrick J. McKenna, Esquire  
GLASSER and GLASSER, P.L.C.  
Crown Center, Suite 600  
580 East Main Street  
Norfolk, Virginia 23510

Lawrence E. Rifken  
McGUIRE WOODS LLP  
1750 Tysons Boulevard, Suite 1800  
McLean VA 22102-4215

Robert M. Marino, Esquire  
Redmon Peyton & Braswell, LLP  
510 King Street, Suite 301  
Alexandria, Virginia 22314

Frank J. Bove  
Office of the United States Trustee  
115 South Union Street, Suite 210  
Alexandria, VA 22314

/s/ Rebecca L. Saitta  
Rebecca L. Saitta

LIST OF PARTIES TO RECEIVE NOTICE OF ENTRY  
PURSUANT TO LOCAL RULE 9022-1

H. Jason Gold, Esquire  
WILEY REIN LLP  
7925 Jones Branch Drive, Suite 6200  
McLean, Virginia 22102

Derek Y. Sugimura, Esquire  
GILBERT OSHINSKY LLP  
1100 New York Avenue, NW, Suite 700  
Washington, D.C. 20005

Roy M. Terry, Jr., Esquire  
John C. Smith, Esquire  
Elizabeth L. Gunn, Esquire  
DurretteBradshaw PLC  
600 E. Main Street, 20<sup>th</sup> Floor  
Richmond, Virginia 23219

C. Erik Gustafson, Esquire  
Martha E. Hulley, Esquire  
LeClair Ryan, A Professional Corporation  
225 Reinekers Lane, Suite 700  
Alexandria, Virginia 22314

Melvin R. Zimm, Esquire  
Patrick J. McKenna, Esquire  
GLASSER and GLASSER, P.L.C.  
Crown Center, Suite 600  
580 East Main Street  
Norfolk, Virginia 23510

Paul Sweeney, Esquire  
Logan, Yumkas, Vidmar & Sweeney LLC  
2530 Riva Road, Suite 400  
Annapolis, MD 21401

Lawrence E. Rifken  
McGUIRE WOODS LLP  
1750 Tysons Boulevard, Suite 1800  
McLean VA 22102-4215

Robert M. Marino, Esquire  
Redmon Peyton & Braswell, LLP  
510 King Street, Suite 301  
Alexandria, Virginia 22314

Frank J. Bove  
Office of the United States Trustee  
115 South Union Street, Suite 210  
Alexandria, VA 22314